

Order

Michigan Supreme Court
Lansing, Michigan

November 22, 2019

Bridget M. McCormack,
Chief Justice

157210

David F. Viviano,
Chief Justice Pro Tem

PEOPLE OF THE STATE OF MICHIGAN,
Plaintiff-Appellee,

Stephen J. Markman
Brian K. Zahra
Richard H. Bernstein
Elizabeth T. Clement
Megan K. Cavanagh,
Justices

v

SC: 157210
COA: 322820
Livingston CC: 12-020831-FH

DENNIS KEITH TOWNE,
Defendant-Appellant.

On November 6, 2019, the Court heard oral argument on the application for leave to appeal the December 19, 2017 judgment of the Court of Appeals. On order of the Court, the application is again considered. MCR 7.305(H)(1). In lieu of granting leave to appeal, we REVERSE the judgment of the Court of Appeals and VACATE the Livingston Circuit Court order denying the defendant's motion to suppress. The police officers violated the defendant's constitutional right to be free from an unreasonable search and seizure when they exceeded the proper scope of a knock and talk by approaching and securing the defendant's home without sufficient reason to believe that the subject of the arrest warrant was inside the home. US Const, Am IV; Const 1963, art 1, § 11. See *People v Frederick*, 500 Mich 228 (2017); *Payton v New York*, 445 US 573 (1980); *Steagald v United States*, 451 US 204 (1981). The evidence obtained during the search of the defendant's home must be suppressed because the warrantless entry was the direct result of the Fourth Amendment violation, and in this case the benefit of deterring future police misconduct outweighs the cost of exclusion. See *Wong Sun v United States*, 371 US 471 (1963); *Mapp v Ohio*, 367 US 643 (1961). We REMAND this case to the Livingston Circuit Court for further proceedings not inconsistent with this order.



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I, Larry S. Royster, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

November 22, 2019

Clerk